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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,426	05/10/2001	Takeshi Kobayashi	P/1139-101	6776

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EXAMINER

TRAN, TUAN A

ART UNIT	PAPER NUMBER
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2682

DATE MAILED: 12/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/853,426	Applicant(s) KOBAYASHI, TAKESHI	
	Examiner Tuan A. Tran	Art Unit 2682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 2-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

1. Claims 2-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Soini et al. (6,445,932).

Regarding claim 2, Soini discloses a folding portable communication unit 1 which is composed of first and second cabinets 10, 20 and a hinge 19 for so supporting the first and second cabinets 10, 20 that they are rotational around the hinge 19 (See figs. 1-2) comprising: first display/data-input means 15-17, 21-

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23 which displays a first information related to mobile telephone communication, inputs a first data related to the communication, and is situated on an obverse surface of the first and second cabinets 10, 20 (See fig. 2 and col. 4 lines 8-21, col. 6 lines 15-27); second display/data-input means 11, 12 which displays a second information related to mobile telephone communication, inputs a second data related to the communication, and is situated on a rear cover of the first or second cabinets 10, 20, wherein the second information can be watched and the second data can be inputted by a user in case that the first and second cabinets 10, 20 are folded (See fig. 1 and col. 3 line 61 to col. 4 line 7, col. 4 lines 43-52), the folding portable communication unit being operable to permit verbal telephone telecommunication in case that the first and second cabinets 10, 20 are in an open position (See fig. 2 and col. 5 lines 15-40).

Regarding claims 3-5, Soini discloses as cited in claim 2. Soini further discloses the first and second cabinets 10, 20 include controlling functions, and are provided with control means which decides whether input information is to be displayed on the first display/data-input means 15-17, 21-23 or the second display/data-input means 11, 12 depending on a kind of the input information (See col. 6 lines 15-32), wherein the control means is further provided with means for detecting whether the first and second cabinets 10, 20 are folded or not and decides whether the input information is to be displayed on the first display/data-input means 15-17, 21-23 or the second display/data-input means 11, 12 depending on a result of detection performed by the detecting means (See figs. 1-2 and col. 5 lines 15-60, col. 6 lines 15-32).

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Regarding claim 6, Soini discloses as cited in claim 3. Soini further discloses the input information is displayed on the first display/data-input means 15-17, 21-23 in case that the input information is pictorial information (See fig. 2 and col. 6 line 15-32).

Regarding claim 7, Soini discloses as cited in claim 3. Soini further discloses the control means further comprises means for displaying the input information on the second display/data-input means 11, 12 in accordance with instruction of the user (See fig.1 and col. 4 lines 43-52).

Regarding claim 8, Soini discloses as cited in claim 2. Soini further discloses a common display driver 41 that drives both of the first and second displays (See col. 6 lines 4-8).

Regarding claim 9, Soini discloses as cited in claim 2. Soini further discloses the folding portable communication unit functions as a telephone when the portable communication unit is not folded (See col. 5 lines 15-39), and is operable to perform a display for message function when the portable communication unit is folded (See col. 6 lines 15-17).

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Reber et al. (6,002,946) ; Shirakawa (6,230,028) ; Toba (6,529,747) ; Claxton et al. (6,434,404) ; Tyneski et al. (5,584,054); Nieminen (6,526,296).

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Response to Arguments

Applicant's arguments with respect to claims 2-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan A. Tran whose telephone number is (571) 272-7858. The examiner can normally be reached on Mon-Fri, 10:00AM-6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doris To can be reached on (571) 272-7629. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Tuan Tran

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LEE NGUYEN
PRIMARY EXAMINER